

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

DOUGLAS I. HORNSBY, ADMINISTRATOR OF THE
ESTATE OF CYNTHIA GARY,

Plaintiff,

v.

UNITED STATES of AMERICA,

METRO MACHINE, CORP. d/b/a
GENERAL DYNAMICS NASSCO-NORFOLK,

HARBOR INDUSTRIAL SERVICES, INC.,

COASTAL MECHNICAL SYSTEMS, LLC,

ADVANCED INTEGRATED TECHNOLOGIES, LLC,

KD SHIPYARD REPAIRS, LLC

and

CECO ENVIRONMENTAL CORP.,

Defendants.

Case No. 2:22-cv-427

**CONSENT ORDER GRANTING DEFENDANT HARBOR INDUSTRIAL SERVICES,
INC.'S MOTION FOR SUMMARY JUDGMENT**

This matter came before the Court this ____ day of July 2023 upon Defendant Harbor Industrial Services, Inc.'s (hereinafter, "HIS") Motion for Summary Judgment, ECF No. 82, on the claims against Harbor Industrial Services, Inc. contained in the Amended Complaint, ECF No. 21, filed by Plaintiff Douglas I. Hornsby, Administrator of the Estate of Cynthia Gary (hereinafter, the "Estate"). As indicated by its counsel's endorsement, below, the Estate consents to this Court GRANTING HIS's Motion for Summary Judgment, ECF No. 82, for the reason that HIS was Ms. Gary's employer, such that the federal Longshore and Harbor Workers Compensation Act stands

as a bar to HIS's liability to her or her estate for the injury and death resulting from the events giving rise to this litigation.

Accordingly, having evaluated HIS's Motion for Summary Judgment and its Memorandum in Support, and for good cause shown, HIS's Motion (ECF No. 82) is GRANTED.

It is hereby ORDERED that HIS be granted Summary Judgment, that the Estate's claims against HIS contained in its Amended Complaint, ECF No. 21, are hereby DISMISSED WITH PREJUDICE, and that HIS and the Estate shall each bear their own fees and costs incurred in connection with this action to date.

IT IS SO ORDERED

The Court directs the Clerk to forward a copy of this Order to all counsel of record.

Entered this ____ day of July 2023.

Elizabeth W. Hanes
United States District Judge

WE ASK FOR THIS:

/s/ Christopher A. Abel

Christopher A. Abel
(VSB No. 31821)
Heather R. Pearson
(VSB No. 97157)
Willcox & Savage, P.C.
440 Monticello Avenue, Suite 2200
Norfolk, Virginia 23510
Telephone: 757.628.5500
Facsimile: 757.628.5566
cabel@wilsav.com
hpearson@wilsav.com

*Attorneys for Defendant Harbor Industrial
Services, Inc.*

SEEN AND CONSENTED TO:

/s/ Andrew M. Hendrick

Andrew M. Hendrick, Esq.

VSb No. 42852

Robert J. Haddad, Esq.

VSb No. 22298

RULOFF, SWAIN, HADDAD, MORECOCK,
TALBERT & WOODWARD, P.C.

317 30th Street

Virginia Beach, VA 23451

Telephone: (757) 671-6036

Facsimile: (757) 671-6004

Email: rhaddad@srgslaw.com

Email: ahendrick@srgslaw.com

*Counsel for Plaintiff Douglas I. Hornsby,
Administrator of the Estate of Cynthia Gary*